

**LOCAL FAMILY RULES
OF PRACTICE
FOR THE COURTS OF THE 4TH JUDICIAL CIRCUIT
CLARK COUNTY, INDIANA**

RULE 1

APPLICABILITY OF RULES

A. Scope. These rules shall apply in the Clark County Circuit and Superior Courts in all family law matters.

B. Local Civil Rules. The Local Civil Rules of Practice enacted by the Courts shall be applicable in all family law matters when not in conflict with these Local Family Rules. (Local Civil Rules 12, 13, and 14 dealing with family matters are hereby repealed, the subject matters therein having been incorporated in these Local Family Rules).

C. Effective Date. These local family rules shall be effective March 1, 2000.

D. Citation. These rules shall be cited as Local Family Rule ____.

RULE 2

PROVISIONAL ORDERS

A. Content of Provisional Pleading. A motion requesting provisional relief under I.C. 31-15-4-1 must be accompanied by an affidavit setting forth the factual basis and the relief requested. If the relief requested is in the nature of child support or other monetary assistance, the motion must contain information regarding each party's employment status and weekly gross income. When child support is requested, the motion must be accompanied by a Child Support Guideline Worksheet.

B. Order Scheduling Hearing/Preliminary Hearing. A motion requesting provisional relief must be accompanied by a proposed order for the setting of a hearing. If the provisional request includes relief in the nature of child custody or child support, the Court will set the matter for a preliminary hearing on those issues. The proposed Order scheduling hearings must be in a form consistent with that set forth in the Appendix to these Rules.

C. Procedure in Lieu of Hearing. A movant may waive the hearing requirements of I.C. 31-15-4-4 & 5 through the use of a Notice of Ruling accompanying the motion for provisional relief. The Notice of Ruling shall contain the following:

- [1] A waiver of the hearing requirements;
- [2] The date for ruling which shall not be less than ten (10) working days from the filing of the motion, the movant's counsel to select the date;
- [3] Notice that the Court will consider a written response to the motion filed before the ruling date.

If a response to the motion for provisional relief is filed on or before the ruling date, the Court shall extend the ruling date by five (5) working days to allow the movant to file a reply to the

response.

If service of the Summons and Notice of Ruling occurs on a date beyond the selected ruling date, the ruling date shall be automatically extended for ten (10) working days from the date of service and the time limitations for the filing of a response and a reply to the response shall be followed.

D. Request For Hearing. When a waiver of the hearing requirements has been made by the movant for provisional relief, the opposing party may, nonetheless, request hearing dates in accordance with the provisions of I.C. 31-15-4-4 & 5. A request for hearing dates must be filed within ten (10) days of the service of Summons and Notice of Ruling and must be accompanied by a proposed Order scheduling hearings in a form consistent with that set forth in the Appendix to these Rules. A request for hearing shall cancel the Notice of Ruling procedure described in Section C.

E. Effect of Change of Venue. The filing of a motion for a change of venue from the judge by either party shall not divest the court of jurisdiction from issuing a preliminary order on temporary custody, child support or visitation. A written request for such a determination must be filed within five (5) days of service of the motion for change of venue. The filing of such a request shall be accompanied by a proposed Order for the setting of a preliminary hearing on those issues.

RULE 3
FINANCIAL DISCLOSURE STATEMENT

A. Requirement. In all contested dissolution, separation, and paternity actions each party shall prepare and exchange within forty-five (45) days of the filing of the action, a Verified Financial Disclosure Statement in such form consistent with that set forth in the Appendix to these Local Family Rules of Practice. For good cause, the time limit may be extended or shortened.

At the time of the filing of the action, the moving party shall serve a Notice upon the opposing party of the requirement to exchange a Verified Financial Disclosure Statement. Such Notice shall be in such form consistent with that set forth in the Appendix to these Local Family Rules of Practice.

B. Exceptions. The Verified Financial Disclosure Statement need not be exchanged if the parties agree in writing within thirty (30) days of the initial filing to waive exchange, or the proceeding is uncontested, or the proceeding is one in which service is by publication and there is no response.

C. Mandatory Discovery. The exchange of the Verified Financial Disclosure Statement constitutes mandatory discovery, therefore, the Indiana Trial Rule of Procedures, Trial Rule 37 sanctions apply. Additionally, pursuant to Trial Rule 26E(2) and (3) the Statement shall be supplemented if additional material becomes available.

D. Statement Considered Confidential. When a Verified Financial Disclosure Statement is filed with the court, it shall be sealed and designated “**Confidential.**”

RULE 4
CHILD SUPPORT
USE OF SUPPORT GUIDELINES

A. Contested Hearings. In all hearings involving child support, each party shall submit to the court an Indiana Child Support Guideline Worksheet in such form consistent with that set forth in the Indiana Child Support Rules And Guidelines.

B. Settlement Agreements. In all settlement agreements in which child support is established, a Child Support Guideline Worksheet shall be attached as an exhibit with the affirmation executed by the parties.

C. Deviation From Guidelines. If an agreement of the parties or a court order regarding child support deviates from the Guidelines, an adequate explanation for such a deviation must be set forth in the agreement or the order.

D. Effective Date. All orders establishing or modifying child support shall be effective on the Saturday immediately following the date on which the request for child support was filed unless otherwise provided for by statute.

RULE 5
VISITATION

A. Use of Guidelines. Unless the court enters specific orders to the contrary or unless the parties otherwise agree to specific visitation terms, visitation granted to the non-custodial parent shall be in accordance with the Minimum Visitation Guidelines as set forth in the Appendix to these Local Family Rules of Practice.

B. Settlement Agreements. In all settlement agreements in which visitation is established pursuant to the Minimum Visitation Guidelines, a copy of the Guidelines shall be attached to the agreement as an exhibit with a reference thereto in the agreement.

RULE 6

COPE SEMINAR REQUIREMENT

A. Mandatory Attendance. In any dissolution or separation proceeding involving children under the age of eighteen (18) years of age, both parties to the proceedings shall attend and complete the seminar “Children Cope With Divorce.” In any post-dissolution proceeding where custody is in issue, both parties shall attend and complete the seminar unless a party has attended the seminar within the prior two (2) years.

B. Failure to Attend Seminar. A failure to attend and complete the seminar may constitute cause for denial of the granting of the dissolution or the relief requested and a continuance of the matter until attendance has been accomplished. A party, with leave of court, may attend a similar seminar or program.

C. Notice Requirement. At the time of the filing of a dissolution or separation proceeding or a post-dissolution proceeding where custody is in issue, the moving party shall serve a Notice upon the opposing party of the requirement of attendance in the COPE Seminar. Such Notice shall be in a form consistent with that set forth in the Appendix to these Local Family Rules of Procedure.

RULE 7

TRIAL RULE 65(E) JOINT PRELIMINARY INJUNCTION TEMPORARY RESTRAINING ORDER

RELIEF UNDER TRIAL RULE 65(E)(1)

A. Joint Preliminary Injunction. In accordance with the provisions of Trial Rule 65(E)(1), the court will issue a joint preliminary injunction applicable to both parties upon the filing of a verified petition by either party alleging that injury would result to the moving party if no order were to issue and requesting that both parties be enjoined from:

- (a) Transferring, encumbering, concealing or otherwise disposing of any joint property of the parties or assets of the marriage without the written of the parties or permission of the court; and/or,
- (b) Removing any child of the parties then residing in the State of Indiana from the State with the intent to deprive the court of jurisdiction over such child without the prior written consent of the parties or permission of the court.

B. Form of Injunction. The moving party shall prepare such order in a form consistent with that set forth in the Appendix to these Local Family Rules of Procedure.

C. Immediate Entry of Injunction. A request for a joint preliminary injunction will be entered in the record by the Clerk of the Court immediately upon filing and without bringing the matter to the attention of the judge or waiting for the judge to sign the original. Attorneys may use the court's signature stamp for the convenience of the Clerk and counsel.

RELIEF UNDER TRIAL RULE 65(E)(2)

D. Temporary Restraining Order. In accordance with the provisions of Trial Rule 65(E)(2), the Court will issue a temporary restraining order against the non-moving party upon the filing of a verified petition by either party alleging that injury would result to the moving party if

no order were to issue and seeking to enjoin the non-moving party from:

- (a) Abusing, harassing, disturbing the peace, or committing a battery on the moving party or Any child or step-child of the parties; or,
- (b) Excluding the non-moving party from the family dwelling or any other place.

E. Specific Allegations Required. The moving party must set forth specific facts in the affidavit supporting the request for relief and the court shall determine from such facts whether such restraining order shall issue ex parte.

F. Form of Restraining Order. The moving party shall prepare such order in a form consistent with that set forth in the Appendix to these Local Family Rules of Practice.

G. Entry Only After Court Approval. The Clerk of the Court shall enter the restraining order in the record only after the judge signs the original order. Attorneys may not use the court's signature stamp until the original is signed by the judge.

STATUS OF TRIAL RULE 65(E) ORDERS

H. No Depository Record Maintained. A joint preliminary injunction and/or a temporary restraining order issued under Trial Rule 65(E) does not qualify for filing in a depository maintained by a law enforcement agency and a violation of the injunction does not constitute a basis of arrest for the offense of Invasion of Privacy. Such status shall be reflected on the order issued.

RULE 8

TEMPORARY RESTRAINING ORDERS

ISSUED UNDER I.C. 31-15-4-7

RELIEF BASED UPON I.C. 31-15-4-3(1) & (4)

A. Temporary Restraining Order-Property. The court will issue a temporary restraining order against the non-moving party upon the filing of motion accompanied by an affidavit by either party alleging that injury would result to the moving party if no order were to issue and seeking to restrain the non-moving party from:

- (a) transferring, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life; and/or,
- (b) granting temporary possession of property to either party.

B. Form of Order. The moving party shall prepare such order in a form consistent with that set forth in the Appendix to these Local Family Rules of Practice.

C. Immediate Entry of Order. A request for a temporary restraining order regarding property will be entered in the record by the Clerk of the Court immediately upon filing and without bringing the matter to the attention of the judge or waiting for the judge to sign the original. Attorney's may use the court's signature stamp for the convenience of the Clerk and counsel.

RELIEF BASED UPON I.C. 31-15-4-3(2) & (3)

D. Temporary Restraining Order-Personal. The court will issue a temporary restraining order against the non-moving party upon the filing of a motion accompanied by an affidavit by either party alleging that injury would result to the moving party if no order were to issue and seeking the following relief:

- (a) enjoining any party from abusing, harassing, or disturbing the peace of the other party; and/or,

(b) excluding either party from the family dwelling, from the dwelling of the other, or from any other place.

E. Specific Allegations Required. The moving party must set forth specific facts in the affidavit supporting the request for relief and the court shall determine from such facts whether such restraining order shall issue ex parte.

F. Form of Order. The moving party shall prepare such order in form consistent with that set forth in the Appendix to these Local Family Rules of Practice.

G. Entry Only After Court Approval. The Clerk of the Court shall enter the restraining order in the record only after the judge signs the original order. Attorneys may not use the Court's signature stamp until the original is signed by the judge.

STATUS OF ORDERS ISSUED UNDER I.C. 31-15-4-7

G. Temporary Restraining Order-Property. An order protecting property based upon I.C. 31-15-4-3(1) and (4) does not qualify for filing in a depository maintained by a law enforcement agency and a violation of the order does not constitute a basis of arrest for the offense of invasion of privacy. Such status shall be reflected on the order issued.

H. Temporary Restraining Order-Personal. An order protecting a person and/or excluding the other party from a dwelling based upon I.C. 31-15-4-3(2) and (3) does qualify for filing in a depository and a violation of such order may constitute a basis of arrest for the offense of invasion of property. Such status shall be reflected on the order issued.

I. Separate Orders Required. A Temporary Restraining Order- Property and a Temporary Restraining Order-Person requested under I.C. 31-15-4-3 may not be combined under one order and must issue as separate orders.

RULE 9

MATTER OF PROTECTIVE ORDERS

A. Requirement Upon Filing of Dissolution Petition and Issuance of Restraining Order-Personal. A Protective Order previously issued under I.C. 34-4-5.1(a)(1)(E) or (a)(2) expires when a Petition For Dissolution of Marriage has been filed and a Temporary Restraining Order has been issued based upon the provisions of I.C. 31-15-4-3(2) or (3). In such event, the Petitioner shall file a Motion to Dismiss Protective Order in the Court where the original Protective Order was issued accompanied by an appropriate Order of Dismissal.

B. Requirement Upon Filing of Dissolution Petition Only. When a Petition For Dissolution of Marriage has been filed in one court and the Petitioner has previously acquired a Protective Order issued under I.C. 34-4-5.1(a)(1)(E) or (a)(2) in a different court, the Petitioner shall file a Motion to Dismiss Protective Order in the Court where the original Protective Order was issued accompanied by an appropriate Order of Dismissal. The Petitioner may simultaneously request the issuance of a protective order under I.C. 31-15-5 or a restraining order under I.C. 31-15-4-3 in the dissolution court, if desired.

C. Specific Request For Protective Order. If a dissolution or separation proceeding is pending, any request for a protective order must be filed in the pending action under the provisions of I.C. 31-15-5.

D. Form of Order. The moving party shall prepare such order in a form consistent with that set forth in the Appendix to these Local Family Rules of Practice.

RULE 10
OTHER EX PARTE ORDERS

A. Content of Requests For Emergency Orders. In all motions for ex parte emergency orders in family law matters other than those provided for under Local Family Rules 7 and 8, the motion must be accompanied by an affidavit setting forth specific facts supporting the relief requested and specifically alleging the irreparable injury, loss or damage that would result if the relief requested was not granted.

B. Certificate of Notice Requirement. A Certificate of Notice must accompany such request for an emergency order in which the movant or movant's attorney certifies to the court as follows:

- (a) that opposing counsel has been notified by telephone prior to the filing of the motion and when notification occurred; or
- (b) that attempts were made to contact opposing counsel and the nature of those attempts; or
- (c) that notice to opposing counsel should not be required and the reasons therefore.

A Certificate of Notice will not be required if there is no counsel of record, if counsel of record has withdrawn or if there has been no actions pending in the case for at least sixty (60) days and there has been no contact with opposing counsel regarding any matters related to the case.

C. Issuance of Ex Parte Order. The court may, without the necessity of notice or hearing, issue the requested emergency order ex parte upon the court's finding that an emergency exists and that immediate and irreparable injury, loss or damage will occur before an adversarial hearing can be scheduled.

D. Order Scheduling Hearing. If the Court issues an ex parte order granting the emergency relief requested, the matter shall be set for an adversarial hearing as soon as possible. The party granted the emergency shall tender a proposed order for the setting of a hearing date. This order shall include the following language:

“As the recipient of this ex parte order for (Describe order) , upon two (2) working days notice to the party who obtained such order (or in such shorter notice as the court may prescribe), you shall be allowed to appear before the court and be heard regarding the issuance of this order”

RULE 11

EXPEDITED HEARINGS

A. Nature of Proceeding. An expedited hearing is a proceeding in open court where the evidence is presented in summary narrative fashion by counsel accompanied by the submission of documentary evidence when applicable. The court may question the parties or counsel. Formal rules of evidence and procedure are not applicable. At the conclusion of the hearing, the court shall determine if the facts presented are sufficient to enable the court to make its findings or if a full evidentiary hearing should be required.

B. Hearing By Agreement. At the time of a scheduled evidentiary hearing, the parties may orally agree, on record, to proceed in an expedited basis. Prior to the scheduling of a matter for hearing, the parties may agree in writing to proceed in an expedited basis and a hearing shall be scheduled accordingly. The court shall enforce the agreement unless upon a showing of good cause it would appear that justice would not be served by proceeding in an expedited basis.

C. Discretion of the Court. If at any time the court determines that the matters at issue between the parties would be better resolved at a full evidentiary hearing, the court shall schedule such a hearing. The court may, on its own motion, conduct an expedited hearing to consider and determine any emergency matter or temporary situation until a full evidentiary hearing can be held.

RULE 12

FINAL HEARING ON DISSOLUTION OF MARRIAGE

A. Scheduling. A final hearing on a Petition For Dissolution of Marriage shall be set by the court in accordance with Local Rule 8 of the Local Rules of Civil Procedure if the cause is contested. If the cause is not contested a final hearing shall be held at such time as is mutually convenient to the parties and the court or at such time as generally set by the court for hearings on uncontested matters.

B. Expedited Hearing. An expedited final hearing may be held in accordance with Rule 10 of these Local Family Rules.

C. Notice In Uncontested Action. In an uncontested action, written notice of an intention to proceed to final hearing on a date and time certain shall be given to a party not represented by counsel. The written notice shall be sent to the last known address of the party not represented and proof of service shall not be required, however, a copy of said notice shall be submitted to the court at the time of the final hearing.

D. Summary Disposition/Attachments Required. A summary disposition on a Petition For Dissolution of Marriage shall be entered by the court upon submission of the appropriate documentation to the court in accordance with statutory requirements.

In all summary dispositions in which child support is established, a copy of the child support guideline worksheet shall be attached as an exhibit with the affirmation thereon executed by the parties. In cases where there is a deviation from the child support guidelines, an adequate explanation for such a deviation must be set forth in the summary disposition decree.

In all summary dispositions in which guideline visitation is referenced, a copy of the Minimum Visitation Guidelines shall be attached as an exhibit.

RULE 13

SUBMISSION OF AGREED MATTERS

A. Written Agreement Required. No agreed matter shall be submitted to the court unless it is in writing and signed by the parties and/or counsel and accompanied with other appropriate documents such as a Decree. However, if the parties reach an agreement just prior to hearing or trial, then the court may accept except evidence of that settlement by way of a handwritten entry or on the record followed by the submission of a written agreement within a reasonable time thereafter.

B. Personal Property Disposition. All settlement agreements disposing of the personal property of the parties shall reflect that such personal property has been exchanged and that there are no disputes regarding such disposition.

C. Petition For Modification Required. An agreed modification entry shall not be approved by the court without a petition for modification having been first filed setting forth the reasons for such modification.

RULE 14

EXHIBIT REQUIREMENTS FOR CONTESTED HEARINGS

In all contested hearings, each party shall submit the following exhibits to the Court, if applicable:

- [a] A Child Support Guideline Worksheet.
- [b] A calculation of the child support arrearage.
- [c] A listing of the marital assets with an indication of fair market values.
- [d] A listing of the marital debts with an indication of the balance due and the minimum monthly payment requirement.
- [e] The parties' proposed distribution of marital assets and debts.

RULE 15

SERVICE ON REDOCKETED MATTERS

Trial Rule 4 Service Required. Service of process of post-dissolution actions such as petitions for modifications and applications for rule to show cause must be on a party pursuant to Trial Rule 4 of the Indiana Rules of Trial Procedure. Service of process of such actions upon the attorney who represented the party in the underlying dissolution action shall be deemed insufficient.

**APPENDIX
TO
LOCAL FAMILY RULES**

APPENDIX A

Suggested format for proposed Order under Local Family Rule 2

[CAPTION]

ORDER SETTING PROVISIONAL HEARINGS

There having been filed in this cause a motion requesting that a provisional order be issued by the Court, this cause is hereby set for hearing as follows:

(1) On the issue of temporary child custody and/or child support, a preliminary hearing is hereby scheduled to begin at _____AM/PM on the _____ day of _____, 20____.

(2) A regular provisional hearing is hereby scheduled to begin at _____ AM/PM on the _____ day of _____, 20____.

SO ORDERED THIS _____ DAY OF _____, 20____.

Judge, _____ Court

Ordered tendered by:

APPENDIX B

Suggested format for Notice requirement under Local Family Rule 3A

NOTICE

**YOU ARE HEREBY NOTIFIED THAT YOU MUST SUBMIT YOUR
VERIFIED FINANCIAL DISCLOSURE STATEMENT WITH THE
OPPOSING PARTY WITHIN 45 DAYS OF THE FILING DATE OF
THIS CASE.**

APPENDIX C

Suggested format for COPE Notice under Local Family Rule 6C.

[CAPTION]

NOTICE OF REQUIREMENT TO ATTEND SEMINAR

TO:

It is a standing Order of the Courts of Clark County, Indiana, that you are required to attend a seminar entitled “Children Cope With Divorce” within forty-five (45) days of the date of the filing of this action.

You failure to attend the seminar could result in the Court finding and holding you in contempt of the Court’s Order.

The Seminar which you are ordered to attend is being conducted by the Clark Memorial Hospital. You should contact the Hospital at 1220 Missouri Avenue, Jeffersonville, Indiana, Telephone (812) 283-2198 or 283-2811 for additional information and enrollment in the Seminar.

Dated at Jeffersonville, Indiana, this ____ day of _____, 20__.

Clerk, Clark _____ Court

Prepared by:

APPENDIX D

Suggested Order for Trial Rule 65(E)(1) Joint Preliminary Injunction.

[CAPTION]

JOINT PRELIMINARY INJUNCTION
ISSUED UNDER TRIAL RULE 65(E)(1)

____(This Joint Injunction does not qualify for filing with a law enforcement agency and a violation of this Order does not constitute a basis for arrest for invasion of privacy.)

Comes now the Court and finding that an Order should be entered pursuant to the provisions of Trial Rules 65(E)(1), both parties are hereby enjoined from:

- (A) Transferring, encumbering, concealing, selling or otherwise disposing of any joint property of the parties or asset of the marriage except in the usual course of business or for the necessities of life, without the written consent of the parties or the permission of the Court; and
- (B) Removing any child of the parties now residing in the State of Indiana from the State with intent to deprive the Court of jurisdiction over such child without the prior written consent of all parties or the permission of the Court.

This Order shall remain in effect until the entry of a decree or final order or until modified or dissolved by the Court.

SO ORDERED THIS ____ DAY OF _____, 20__.

Judge, _____ Court

Order tendered by:

APPENDIX E

Suggested Order for Trial Rule 65(E)(2) Temporary Restraining Order.

[CAPTION]

TEMPORARY RESTRAINING ORDER
ISSUED UNDER TRIAL RULE 65(E)(2)

___(This Restraining Order does not qualify for filing with a law enforcement agency and a violation of this Order does not constitute a basis for arrest for invasion of privacy.)

Comes now the Court and having determined that an Order should be entered pursuant to the provisions of Trial Rule 65(E)(2), the (Petitioner/Respondent) is hereby ordered to refrain from:

- ☐ Abusing, harassing, disturbing the peace of the (Petitioner/Respondent);
- ☐ Committing a battery on the (Petitioner/Respondent);
- ☐ Committing a battery on any child or step-child of the parties;
- ☐ From coming on or about the family dwelling located at

☐ From coming on or about the (Petitioner's/Respondent's) dwelling located at

☐ From coming on or about such other place, to-wit:

This Order shall remain in effect until the entry of a decree or final order or until modified or dissolved by the Court.

SO ORDERED THIS ____ DAY OF _____, 20__.

Judge, _____ Court

Order tendered by:

APPENDIX F

Suggested form of Temporary Restraining Order (Property) under I.C. 31-15-4-3(1) & (4).

[CAPTION]

TEMPORARY RESTRAINING ORDER (PROPERTY)
ISSUED UNDER INDIANA CODE 31-15-4-3(1) & (4)

___(This Restraining Order does not qualify for filing with a law enforcement agency and a violation of this Order does not constitute a basis for arrest for invasion of privacy.)

Comes now the Court and finding that a Restraining Order should be issued pursuant to the provision of Indian Code 31-15-4-3(1) & (4), the (Petitioner/Respondent) is hereby ordered to refrain from:

(A) Transferring, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life;

(B) Interfering with the (Petitioner's/Respondent's) possession of the following property:

This Order shall remain in effect until entry of a decree or final order or until modified or dissolved by the Court.

SO ORDERED THIS _____ DAY OF _____, 20__.

Judge, _____ Court

Ordered tendered by:

APPENDIX G

Suggested form of Temporary Restraining Order (Personal) under I.C. 31-15-4-3(2) & (3)

[CAPTION]

TEMPORARY RESTRAINING ORDER (PERSONAL)
ISSUED UNDER INDIANA CODE 31-15-4-3(2) & (3)

(This Restraining Order qualifies for filing with a law enforcement agency and a violation of this Order may constitute a basis for arrest for invasion of privacy.)

Comes now the Court and finding that a Restraining Order should be issued pursuant to the provisions of Indiana Code 31-15-4-3(2) & (3), the (Petitioner/Respondent) is hereby ordered to refrain from:

- ☐ Abusing, harassing, disturbing the peace of the (Petitioner/Respondent);
- ☐ From coming on or about the family dwelling located at _____;
- ☐ From coming on or about the (Petitioner's/Respondent's) dwelling located at _____;
- ☐ From contacting or coming on or about the (Petitioner's/Respondent's) workplace;
- ☐ From contacting or coming on or about the school of the parties' children;
- ☐ From contacting or coming on or about the daycare center or the babysitter of the parties' children;
- ☐ From contacting or coming on or about such other place, to-wit: _____;

This Order shall remain in effect until entry of a final dissolution decree or until further order of the Court.

The Sheriff and the Law Enforcement Agency where the (Petitioner/Respondent) resides shall receive and maintain a copy of this Order in the Protective Order Depository as provided by Indiana Code 5-2-9.

Pursuant to the provisions of Indiana Code 35-46-1-15.1, a Law Enforcement Officer may arrest the person subject to this Order for the Offense of Invasion of Privacy, a Class B Misdemeanor punishable by imprisonment of up to 180 days and a fine of \$1,000.00 when the officer has probable cause to believe that such person has violated this Order.

SO ORDERED THIS _____ DAY OF _____, 20__.

Judge, _____ Court

Order tendered by:

Copies distributed to: (Must include Sheriff)

APPENDIX H

Suggested form of Protective Order in a Dissolution action (commonly referred to as a Permanent Restraining Order) under I.C. 31-15-5-1 through 11.

[CAPTION]

PROTECTIVE ORDER **ISSUED UNDER INDIANA CODE 31-15-5-1 THRU 11**

_____(This Protective Order qualifies for filing with a law enforcement agency and a violation of this Order may constitute a basis for arrest for invasion of privacy.)

Comes now the Court and finding that a Protective Order should be issued pursuant to the provisions of Indiana Code 31-15-5-1 thru 11, the (Petitioner/Respondent) is hereby ordered to refrain from:

- () Abusing, harassing, disturbing the peace of the (Petitioner/Respondent);
- () From coming on or about the family dwelling located at _____;
- () From coming on or about the (Petitioner's/Respondent's) dwelling located at _____;
- () From contacting or coming on or about the (Petitioner's/Respondent's) workplace;
- () From contacting or coming on or about the school of the parties' children;
- () From contacting or coming about the daycare center or the babysitter of the parties children;
- () From contacting or coming about such other place, to-wit: _____;

This Order **shall remain in effect for one (1) year** from the date signed and at the request of a party, may be renewed for not more than one (1) year.

The Sheriff and the Law Enforcement Agency where the (Petitioner/Respondent) resides shall receive and maintain a copy of this Order in the Protective Order Depository as provided by Indiana Code 5-2-9.

Pursuant to the provisions of Indiana Code 35-46-1-15.1, a Law Enforcement Officer may arrest the person subject to this Order for the Offense of Invasion of Privacy, a Class B Misdemeanor punishable by imprisonment of up to 180 days and a fine of \$1,000.00, when the Officer has probable cause to believe that such person has violated this Order.

SO ORDERED THIS _____ DAY OF _____, 20__.

Judge, _____ Court

Order tendered by:

Copies distributed to: (Must include Sheriff)

APPENDIX I

Suggested format for Financial Disclosure Statement under Local Family Rule 3A

IN THE _____ COURT OF CLARK COUNTY

STATE OF INDIANA

IN RE THE MARRIAGE OF

_____,
PETITIONER

AND

CAUSE NO. _____

_____,
RESPONDENT

VERIFIED FINANCIAL DISCLOSURE STATEMENT

NOTICE

YOU ARE HEREBY NOTIFIED THAT YOU MUST SUBMIT YOUR **VERIFIED FINANCIAL DISCLOSURE STATEMENT** WITH THE OPPOSING PARTY WITHIN 45 DAYS OF THE FILING DATE OF THIS CASE.

I. PRELIMINARY INFORMATION

Your Full Name:			
Your Address:			
Your DOB:			
Your SS#:			
Date of Marriage:			
Date of Physical Separation:			
Spouse's Name:			
Spouse's SS#:			
Spouse's DOB:			
Children: Name	Social Security #	Age	Date of Birth

YOU MUST ATTACH COPIES OF:

1. Your two (2) most recent paycheck stubs.
2. Your last Federal Income Tax Return including all schedules.

II. INCOME INFORMATION**A. YOUR EMPLOYMENT**

Current Employer				
Address of Employer				
Medical Insurance	Cost each month to you	Who covered?		
Length of Employment				
Job Description				
Gross Income	Per week	Bi-Weekly	Per month	Year
Net Income	Per week	Bi-Weekly	Per month	Year

B. YOUR EMPLOYMENT HISTORY FOR LAST FIVE (5) YEARS

EMPLOYER	DATES OF EMPLOYMENT	COMPENSATION (per wk/month/year)

C. OTHER INCOME

List other sources of income; including but not limited to Dividends, Earned Interest, Rents, Public Assistance (AFDC), Social Security, Worker's Compensation, Child Support from prior marriage, Military or Other Retirement, Unemployment Compensation, etc.

SOURCE	AMOUNTS RECEIVED	REASON FOR ENTITLEMENT

D. FRINGE BENEFITS

_____ Including but not limited to Company Automobile, Health Insurance, Club Memberships, etc.

Type of Benefit	Annual Value

III. PROPERTY

A. MARITAL RESIDENCE (If Owned)

Location/Address	
Date Purchased	
Purchase Price	\$
Down Payment	\$
Source of Down Payment	
Current Mortgage(s) Balance	\$
Monthly Payment	\$
Current Fair Market Value	\$
1st Mortgage Payable To	
2nd Mortgage Payable To	
Are Taxes Included in Mortgage?	
Is Insurance Included in Mortgage?	

B. OTHER REAL PROPERTY OWNED (THIS MAY INCLUDE CEMETERY PLOTS, UNDEVELOPED LOTS ON LAKES, ETC.)

Location/Address	
Date Purchased	
Purchase Price	\$
Down Payment	\$
Source of Down Payment	
Current Mortgage Balances	\$
Monthly Payment	\$
Current Fair Market Value	\$
1st Mortgage Payable To	
2nd Mortgage Payable To	
Are Taxes Included in Mortgage?	
Is Insurance Included in Mortgage?	

C. VEHICLES (Automobiles, Boats, Motorcycles, Tractors, Trucks, etc.)

MAKE/MODEL OF VEHICLE	DATE ACQUIRED	PURCHASE PRICE	TITLE WHOSE NAME	WHO DRIVES?	CURRENT VALUE
		\$			\$
		\$			\$
		\$			\$
		\$			\$
		\$			\$
		\$			\$

D. OTHER PERSONAL PROPERTY (Household furnishings, Jewelry, tools, lawn furnishings, guns, collections, etc. please list items separately [Attach additional pages if necessary])

DESCRIPTION	DATE ACQUIRED	PURCHASE PRICE	BALANCE OWED	PAYMENT	CURRENT VALUE	IF YOU WANT TO RETAIN *
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	
		\$	\$	\$	\$	

[illegible]

E. BANK OR CREDIT UNION (SAVINGS, CHECKING, MONEY MARKET, CD) TO WHICH YOU AND/OR SPOUSE HAVE/HAD A DIRECT OR INDIRECT INTEREST WITHIN THE LAST YEAR (This includes any bank account to which you or your spouse has deposited money) (FOR BOTH HUSBAND AND WIFE ACCTS)

NAME BANK	WHOSE NAME ON ACCOUNT	TYPE ACCOUNT	ACCOUNT NUMBER	BALANCE DATE OF SEPARATION	CURRENT BALANCE
				\$	\$
				\$	\$
				\$	\$
				\$	\$

F. STOCKS, BONDS, MUTUAL FUNDS

NAME OF STOCK OR FUND	WHOSE NAME ON ACCOUNT	DATE PURCHASED	NUMBER OF SHARES	CURRENT PRICE PER SHARE	CURRENT VALUE
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$

G. INSURANCE POLICIES

NAME OF COMPANY	POLICY NUMBER	POLICY HOLDER NAME	BENEFICIARY NAME	FACE VALUE	CASH VALUE
				\$	\$
				\$	\$
				\$	\$

(If you don't know, call your agent)

H. RETIREMENT BENEFITS, 401K, IRA, KEOGH, PENSION, ETC.

COMPANY	TYPE ACCOUNT	ACCOUNT NUMBER	VALUE	OWNER YOU OR SPOUSE
			\$	
			\$	
			\$	
			\$	

I. INTEREST IN BUSINESS

NAME OF BUSINESS	TYPE (Corp., Partner, Sole Owner)	% (Percent) OWNED	ESTIMATED VALUE
			\$
			\$
			\$

IV. DEBTS (including but not limited to Mortgages, Charge Cards, Loans, Medical Bills, Credit Union, Etc.; attach separate list, if necessary)

NAME OF CREDITOR	MONTHLY PAYMENT	CURRENT BALANCE	(H) HUSBAND (W) WIFE (J) JOINT
1ST MORTGAGE NAME	\$	\$	
2ND MORTGAGE NAME	\$	\$	
AUTO (MODEL)	\$	\$	
AUTO (MODEL)	\$	\$	
CREDIT CARD:	\$	\$	
CREDIT CARD:	\$	\$	
CREDIT CARD:	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
TOTALS	\$	\$	

V. YOUR ASSETS OWNED PRIOR TO OR RECEIVED DURING THE MARRIAGE THROUGH INHERITANCE OR GIFT (Whether now owned or not) (Show significant assets only)

A. ASSETS OWNED BY YOU PRIOR TO THE MARRIAGE

DESCRIPTION OF ASSET	VALUE AT MARRIAGE	BALANCE OF ANY DEBT AT MARRIAGE	VALUE NOW
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

B. ASSETS RECEIVED BY YOU DURING THE MARRIAGE BY GIFT OR INHERITANCE

DESCRIPTION	CURRENT VALUATION	RECEIVED FROM
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	

VI. SUMMARY OF ASSETS AND DEBTS

ASSET	VALUE
HOME	\$
OTHER REAL ESTATE	\$
OTHER REAL ESTATE	\$
VEHICLE	\$
VEHICLE	\$
VEHICLE	\$
OTHER PERSONAL PROPERTY	\$
BANK ACCOUNTS	\$
STOCKS, MUTUAL FUNDS	\$
INSURANCE - CASH VALUE	\$
RETIREMENT	\$
BUSINESS INTEREST	\$
OTHER	\$
TOTAL	\$

DEBTS	BALANCE DUE
MORTGAGE(S) ON HOME	\$
MORTGAGE(S) ON OTHER REAL ESTATE	\$
CAR LOAN	\$
CAR LOAN	\$
CREDIT CARDS	\$
MEDICAL BILLS	\$
GENERAL CREDITORS	\$
NOTE LOANS	\$
OTHER DEBTS	\$
TOTAL	\$

(ASSETS MINUS DEBTS) TOTAL NET WORTH	\$
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VERIFICATION & DUTY TO SUPPLEMENT OR AMEND

_____ I affirm, under penalties for perjury, that the foregoing representations are true to the best of my knowledge and belief. Further, I understand that I am under a duty to supplement or amend this VERIFIED FINANCIAL DISCLOSURE STATEMENT prior to trial if I learn that the information which has been provided is either incorrect or that information provided is no longer true.

SO DECLARED this _____ day of _____, 20____.

Signature

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Verified Financial Disclosure Statement was delivered to the opposing party or his/her attorney of record, as set forth below, either in person or by U.S. mail postage prepaid this _____ day of _____, 20__:

Signature of Counsel or Pro Se

APPENDIX J

IN THE COURTS FOR CLARK COUNTY STATE OF INDIANA

MINIMUM VISITATION GUIDELINES

It is the goal of the Courts to encourage as much flexibility as possible regarding the exercise of visitation. These guidelines are intended to advise parents of the *minimum* visitation to which the non-custodial parent is entitled in most cases. The parents may agree to a visitation schedule different from these guidelines when it is in the best interests of the children] and meets the needs of both parents. Absent an agreement, however, the following visitation schedule shall be ordered.

1. The non-custodial parent shall have the following visitation with the child or children of the parties except where the children are less than one (1) year old or where geographic distances make compliance with these guidelines prohibitive:

- [a] On alternating weekends from 6:00 P.M. on Friday until 6:00 P.M. on Sunday,

or

if the child(ren) is regularly attending school then on alternating weekends from 6:00 P.M. on Friday until the beginning of the school day on Monday, the non-custodial parent to advise the custodial parent of the choice by August 15 before the school fall semester and by December 15 before the spring semester.

If the non-custodial parent chooses visitation through Monday morning he/she shall have that responsibility throughout that semester and shall make certain that the children] are in school on time on every Monday morning.

- [b] Provided there exists no conflict with school activities, one evening per week from 6:00 P.M. until 8:00 P.M., the evening to be agreed upon by the parties. If the parties cannot agree, the evening shall be Wednesday;
- [c] In years ending with an odd number:
- [1] The evening before each child's birthday from 6:00 P.M. until 9:00 P.M.;
- [2] Memorial Day weekend from 6:00 P.M. on Friday until 6:00

P.M. on Monday;

- [3] Independence Day from 6:00 P.M. on July 3 until 6:00 P.M. On July 5;
- [4] Thanksgiving holiday from 6:00 P.M. on Wednesday until 6:00 P.M. on Sunday;
- [5] From 6:00 P.M. on December 20 until 11:00 P.M. on Christmas Eve; and
- [6] Martin Luther King holiday from 6:00 P.M. on the day before until 6:00 P.M. on the holiday.

[d] In years ending with an even number:

- [1] On each child's birthday for the entire day until 8:00 P.M. unless a school day, then in such event from the end of school until 8:00 P.M. (The non-custodial parent is further entitled to simultaneous visitation with the child's siblings on such day);
- [2] Easter weekend from 6:00 P.M. on Friday until 6:00 P.M. on Sunday;
- [3] Labor Day weekend from 6:00 P.M. on Friday until 6:00 P.M. on Monday;
- [4] During Christmas holidays from 11:00 P.M. on Christmas Eve until 6:00 P.M. on January 1;
- [5] From 6:00 P.M. on the evening before the school spring break until 7:00 P.M. on the last day of the school spring break.

[e] On the non-custodial parent's Birthday and Mother's Day or Father's Day, as applicable, from 10:00 A.M. until 6:00 P.M.

Similarly, the custodial parent shall have visitation on the custodial parent's Birthday and Mother's Day or Father's Day, as applicable, when such day conflicts with these visitation guidelines.

[f] In the summertime for **school age children**, for two non-consecutive three (3) week periods during the summer months, the periods to be agreed upon by the parties on or before May 15th of each year. However, if the summer visitation is less than twelve (12) weeks, the vacation time shall be split equally between the parties.

There shall be no weekend visitation during the exercise of these periods and the custodial parent shall be entitled to similar extended visitation periods without interruption.

[g] In the summertime for **pre-school age children**, for two (2) weeks in the

month of June and for two (2) weeks in the month of July, the periods to be agreed upon by the parties on or before May 15th of each year.

[h] Such other visitation as may be agreed upon between the parties.

Missed Weekend Visitation as the Result of Holiday or Other Superseding Visitation.

Whenever the child(ren) is with one of his or her parents for two (2) consecutive weekends, then notwithstanding any other provisions contained within these Guidelines, the parent that did not have physical custody of the child(ren) for these two (2) weekends, shall have the child for the following weekend and the parties shall then re-establish alternate weekend visitation. The only exception to this provision of the reconfiguration of "alternate weekend visitation" shall be during those times that either parent is exercising the extended summer visitation as outlined herein. This provision is not intended to apply when the parents agree to "trade" weekends, unless this is the desire of the parties.

2. Where geographical distances make compliance with these guidelines prohibitive, the non-custodial parent shall have the following visitation with the child or children of the parties:

[a] One (1) weekend per month beginning at 6:00 P.M. on Friday until 6:00 P.M. on Sunday, the parties to agree on the weekend;

[b] Six (6) consecutive weeks of summer visitation, the weeks to be agreed upon by the parties on or before May 15th of each year;

[c] One (1) week at spring break beginning at 6:00 P.M. on the Friday the school week ends before spring break until 6:00 P.M. on the Sunday before school resumes;

[d] During odd numbered years, for the Thanksgiving holiday from 6:00 P.M. on Wednesday until 6:00 P.M. on Sunday;

[e] During the Christmas holiday, from 6:00 P.M. on December 25 until 6:00 P.M. on January 1;

[f] Such other visitation as may be agreed upon by the parties.

3. Where a child is less than one (1) year old, visitation shall be each week on Saturdays or Sundays, the parties to agree on the day, from 10:00 A.M. until 6:00 P.M. If the child is less than three (3) months old, such period shall be from 2:00 P.M. until 6:00 P.M.

4. The non-custodial parent shall advise the custodial parent forty-eight (48) hours in advance if he or she does not intend to exercise any period of visitation.

5. Unless prior arrangements are made, the non-custodial parent shall pick up the children] at the times specified and return the children] at the times specified, and the custodial parent shall have the children] ready for visitation at the scheduled pick-up time and shall be present at the home to receive the children] at the scheduled return time.

6. The custodial parent shall send with the children] on visitation sufficient clothing and outer wear appropriate for the season to last the period of visitation.

7. Each parent shall supply the other with his or her current address and telephone number and shall

allow liberal but reasonable telephone and mail privileges with the children.

8. The custodial parent shall inform the non-custodial parent of the children]’s school and/or social functions permitting parental participation within twenty-four (24) hours of notification to the custodial parent of such function, and the non-custodial parent shall be permitted to attend such functions, regardless of when the function occurs.

The opportunity to attend school functions should not be denied the children] because the custodial parent is not able to attend. In such instances the children] shall be allowed to attend with their non-custodial parent.

9. Each parent shall have rights of access to all providers of services to the children] as well as all medical reports, school reports, and the like, issued by any provider of services, all without the need of consent from either party. The custodial parent, nonetheless, shall take the necessary action with school authorities to list the non-custodial parent as a parent of the children], to authorize the school to release to the non-custodial parent any and all information concerning the children], and to otherwise insure that the non-custodial parent receives copies of all grade reports and any notices regarding the children], including scheduled meetings concerning the children].

10. The custodial parent shall promptly inform the non-custodial parent of any illness of the children] which shall require medical attention.

11. Each parent shall have the right of first refusal for child care or babysitting needs of the other parent whenever either parent has a need for child care or babysitting for a duration of four (4) hours or more. A good faith attempt should be made to inquire of the other parent with as much advanced notice as possible. The other parent is under no obligation to provide the child care or babysitting and if he or she elects to provide the care it shall be a no cost.

12. The child support obligation of the non-custodial parent shall abate by 50% during any period of visitation of six (6) consecutive days or longer provided the non-custodial parent is current in the court-ordered support obligation (including ordered arrearage payments, if any).

If, as parents, you agree that it is in the best interests of your children] to adopt a visitation schedule different from these guidelines, such an agreement should be in writing and approved and ordered by the Court. Without such approval and order, the Court will not enforce such an agreement should a denial of visitation occur. Under such circumstances, the Court will enforce guideline visitation.